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Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 009-01026-5100-145 | Date: 7/26/09 | Time: 1925

Location: 441 S. Bauchet St. Los Angeles, Ca. 90012 | City or Station: Los Angeles

Bureau/Station/Facility: Men's Central Jail | Admin. Investigation: YES ☒ NO ☐

Type of Force: Significant Force/ Personal Weapons/ Impact Weapons/ Taser/ O.C.

Deputy Injury: YES ☒ NO ☐ | Suspect Injury YES ☒ NO ☐

☐ Call | ☒ Observation | ☐ Detail | ☒ Foot Pursuit | ☐ Vehicle Pursuit

IAB Notified: YES ☒ NO ☐ | Person Notified: Lt. Brickert | Emp: [redacted] | IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Delgado	Hernan	Noemi

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	3000 Prowl #3

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	6"	235

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Aviles	David	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	3000 Prowl #2

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	508	185

☒ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Ortega	David	

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	3500 Module

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	[redacted]	509	190

☐ Injured ☐ Treated ☐ Admitted Hospital: | Coroner Case #: | Directed Force ☐ Significant Force ☒

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Escobedo	Sergio	V	Sgt	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lee	Brian	R

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Shannon	Thomas	Men's Central Jail

Watch Commander (**Print Name**) | Watch Commander's **Signature**: | Emp #: | Date

Sgt. Albert Maldonado [redacted]

Supervisor Completing Form: (**Print Name**) | Emp #: | Copy Provided to Employee by: | Emp #:

Unit Commander (**Print Name**) | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
0 0 9 - 0 1 0 2 6 - 5 1 0 0 - 1 4 5

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]		[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	Men's Central Jail	3000 Prowl / Movement

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☐ Regular Shift ☒ OT Shift ☐ Off Duty	[redacted]	[redacted]	[redacted]

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:________		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:________		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:________		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:________		Directed Force ☐ Significant Force ☐

E__

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted Hospital:________		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
0 0 9 - 0 1 0 2 6 - 5 1 0 0 - 1 4 5

Suspect Information

S 1

Last Name: Tutt — First Name: Evans — Middle Name: Carter

AKA Last Name: — First Name: — Middle Name:

Sex: ☒ Male ☐ Female — Race: B — Street Address: [redacted] — City: [redacted] — State & Zip Code: [redacted]

Work Phone: [redacted] — Home Phone: N/A — Age: 24 — Height: 603 — D.O.B. 03-20-85 — Weight: 250 — Armed? ☐

Booking #: 1864888 — Primary Charge Code: 422 p.c. — Secondary Charge Code: — Criminal History ☐

EMT in attendance? ☐ YES ☒ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☒ Rec'd Treatment At: LCMC — Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☒ NO Substance: ____ Mental Illness ☐

Suspect Interview

Date: — Time: — ☒ Audiotape: ☒ Videotape: ☒ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: — First Name: — Middle Name:

AKA Last Name: — First Name: — Middle Name:

Sex: ☐ Male ☐ Female — Race: — Street Address: — City: — State & Zip Code:

Work Phone: — Home Phone: — Age: — Height: — D.O.B. — Weight: — Armed? ☐

Booking #: — Primary Charge Code: — Secondary Charge Code: — Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ Mental Illness: ☐

Suspect Interview

Date: — Time: — ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: — First Name: — Middle Name:

AKA Last Name: — First Name: — Middle Name:

Sex: ☐ Male ☐ Female — Race: — Street Address: — City: — State & Zip Code:

Work Phone: — Home Phone: — Age: — Height: — D.O.B. — Weight: — Armed? ☐

Booking #: — Primary Charge Code: — Secondary Charge Code: — Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ____ Unit: ____ Phone #: ____

Hospital Admission? ☐ Rec'd Treatment At: ____ Coroner Case #: ____ Mental History ☐

By Doctor: ____ Address: ____ Phone #: ____

Under Influence: ☐ YES ☐ NO Substance: ____ Mental Illness ☐

Suspect Interview

Date: — Time: — ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Tutt	S1	Delgado	E1	PP, PO	NN	
Delgado	E1	Tutt	S1	TR	PW	AR
Tutt	S1	Delgado	E1	PO	NN	
Aviles	E2	Tutt	S1	PO	CP	FA
Tutt	S1	Aviles	E2	PK	BR	FA
Aviles	E2	Tutt	S1	FL	CP	LE
Delgado	E1	Tutt	S1	TR	CP	BK
Ortega	E3	Tutt	S1	PH	CP	FA
Ortega	E3	Tutt	S1	PH	CP	AD
[redacted]	E4	Tutt	S1	OC	CP	FA
Ortega	E3	Tutt	S1	RH	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SIGNIFICANT FORCE INCIDENT EVALUATION

UNIT: Men's Central Jail
DATE: July 26, 2009 (Sunday)
TIME: 1925 hours
LOCATION: 441 Bauchet Street, Los Angeles, CA 90012
URN#: 009-01026-5100-145
IAB#: **FO2247779 / IV2255924**

NATURE OF INCIDENT: At the indicated date and time Inmate Evans Tutt, incarcerated at Men's Central Jail for 422 P.C., was returning to the 3000 floor after having received a visit in the jail visiting room. When he arrived on the 3000 floor hallway he was asked by Deputy Hernan Delagado to stop and face the wall in order to be searched. Initially Inmate Tutt complied and faced the wall. As Deputy Delgado began his cursory search, Inmate Tutt became angry and attacked Deputy Delgado.

Deputy Delgado immediately deployed his Department issued X-26 Taser in an effort to stop the assault. Inmate Tutt fell to the ground as Deputy Delgado cycled the taser. At the conclusion of the taser cycle, Deputy Aviles approached Tutt to handcuff him but Tutt attempted to push himself up and quickly rolled to his back and began kicking at Deputy Aviles, striking him in the face.

Deputy Delgado again cycled the taser to stop the assault. At the conclusion of the second taser cycle, Inmate Tutt again made an attempt to stand and grabbed the taser from Deputy Delgado's grasp. Deputy Aviles, in fear Inmate Tutt would stand and arm himself with the Taser, struck Inmate Tutt on his legs with his flashlight. Deputy Ortega also punched Inmate Tutt several times on his rib cage and face after Tutt ignored his orders to stop fighting and after Tutt grabbed the Taser.

Deputy [redacted] arrived last and deployed his freeze +P spray on Inmate Tutt. The chemical agent was effective and Tutt was then handcuffed by Deputy Ortega. Inmate Tutt sustained bruising to the left and right side of his face, bruising to his nose and forehead, superficial scratches and contusions to his upper body, a chipped tooth and two puncture wounds from the taser darts to his left tricep and back.

When Internal Affairs was initially notified of this incident on July 26, 2009, by Sergeant Sergio Escobedo, it was reported that Inmate Tutt was being treated by Central Jail

clinic staff. On July 27, 2009, Sergeant Joseph Fleischmann called to report that Inmate Tutt was being admitted to the jail ward of the Los Angeles County Medical Center for undisclosed "head trauma." When Internal Affairs Bureau investigators responded to LCMC they were informed that Tutt had not been admitted and would likely not be admitted to LCMC. On Friday, July 31, 2009, Sergeant Scott Hill contacted the nursing staff at LCMC and was informed that Inmate Tutt had indeed been admitted for Rhabdomylosis.

I.A.B. Note: Rhabdomylosis means destruction or disintegration of striated muscles. This syndrome is characterized by muscle breakdown and necrosis resulting in leakage of the intracellular muscle constituents into the circulation and extracellular fluid. Muscular trauma is the most common cause of this syndrome.

INVOLVED PERSONNEL:

Delgado, Hernan- Deputy, Employee #[redacted]
Men's Central Jail
3000 Prowler
Custody Division

EMPLOYEE'S WORK HISTORY:

Date of Employment: 06-28-06
Date Assigned to MCJ:[redacted]
Prior Founded Force Incidents:[redacted]

Aviles, David- Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Module 3000 Prowler
Custody Division

EMPLOYEE'S WORK HISTORY:

Date of Employment: 01-25-06
Date Assigned to MCJ:[redacted]
Prior Founded Force Incidents:[redacted]

Ortega, David- Deputy Sheriff, Employee #[redacted]
Men's Central Jail
Module 3500
Custody Division

EMPLOYEE'S WORK HISTORY:

Date of Employment:06-26-07
Date Assigned to MCJ: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] Deputy Sheriff, Employee [redacted]
Men's Central Jail
Module 3000
Custody Division

EMPLOYEE'S WORK HISTORY:

Date of Employment:11-30-05
Date Assigned to MCJ: [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT (S):

Tutt, Evans MB/03-20-85, Booking #1864888
[redacted]
Booking Charges: 422 P.C., 69 P.C.
CII: [redacted] FBI#: [redacted]

Involved Suspect Criminal History:
(**Refer to Inmate Tutts Criminal History Printout included with this case)**

INVOLVED DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:

None

INVOLVED EMPLOYEE STATEMENTS:

Deputy Hernan Delgado #[redacted]

Deputy Hernan Delgado was interviewed on November 24, 2009 at the Internal Affairs Bureau office by Sergeants Albert Maldonado and Scott Hill. The interview was digitally recorded and transcribed. The following is a summary of the interview.

Deputy Delgado said he was assigned as the 3000 floor prowler of the Men's Central Jail. As a prowler his duties include monitoring inmate movement for visiting, clinic and court. As inmates arrive onto his floor, as a matter of practice, he would randomly conduct searches for weapons and/or contraband. He estimates he searches approximately 30-35 inmates on any given shift.

Deputy Delgado said on this particular day he saw Inmate Tutt walking on the 3000 floor and he decided to search him. He asked him to interlace his fingers and place them behind his back. Inmate Tutt complied and as he (Delgado) stood behind him and grabbed a hold of his fingers with his right hand. While holding his fingers he began to search the left side of Inmate Tutt' s body with his left hand. As he searched Inmate Tutt, he (Tutt) suddenly and without warning, forcefully pushed his body backward and said "You all keep fucking with me."

Deputy Delgado said as Tutt pushed backward he (Tutt) simultaneously swung his left elbow backwards and struck him (Delgado) on the left shoulder. He said the force of the blow caused him (Delgado) to stumble backwards and lose his balance. He said he reacted by removing his Department issued Taser from the right side of his body and fireding one round as Inmate Tutt attempted to strike him again with his elbow. He said the Taser darts struck Tutt on the upper and mid-back area and he (Tutt) immediately fell face down onto the floor. He said he ordered inmate Tutt several times to stop fighting and to place his hands behind his back as he held the Taser trigger for approximately five seconds. He said at this time Deputy Aviles arrived to assist. For Deputy Aviles's safety, he turned off the Taser so he (Aviles) would not get "Tased" as he was assisting in subduing and handcuffing Tutt.

Deputy Delgado said as Deputy Aviles was attempting to handcuff Inmate Tutt, he (Tutt), rolled onto his back and began to kick upward at Aviles while simultaneously trying to push himself up off the ground. Deputy Delgado said he reacted by re-engaging the Taser a second time for approximately two seconds. He said Inmate Tutt continued to kick several more times and then roll back onto his stomach. Deputy Delgado said he saw this as an opportunity to deploy a Three Point Stun on Inmate Tutt. He said he placed the Taser prongs directly on the right hamstring of Inmate Tutt for approximely 5-7 seconds.

I.A.B. Note: A "three point stun" is when the two contact points on the front of the Taser are used in conjunction with the single point of the contact dart.

Deputy Delgado said Inmate Tutt reacted by grabbing the front of the Taser. He (Delgado) immediately yelled to advise Deputy Aviles that Inmate Tutt had his Taser. Deputy Delgado said he pulled the Taser away from Tutt. As he did so, Tutt, was able to dislodge the cartridge from the Taser, rendering it ineffective. His said his only other option was to "Drive Stun" Inmate Tutt with the Taser gun. He said he did so 4-6 times on the mid and upper back area of Inmate Tutt's body as he (Tutt) continued to struggle by kicking, throwing his elbows violently and attempting to get up off the ground.

I.A.B. Note: A Drive Stun is when the two contact points on the front of the Taser are placed directly onto the suspect.

Deputy Delgado said he was kneeling on the floor when Inmate Tutt grabbed his (Delgado's) leg with his (Tutt's) left arm. He yelled to Aviles that Tutt had his leg and continued to give Tutt verbal commands to stop resisting and to stop fighting. As they struggled with Tutt, Deputy [redacted] arrived and immediately deployed his pepper spray. The pepper spray was effective as Inmate Tutt stopped resisting and placed his hands behind his back to be handcuffed without further incident.

Deputy Delgado said Inmate Tutt was the only inmate in the hallway at the time of the incident. He had never seen or spoken with Inmate Tutt prior to this incident. He is not aware on any other deputy's prior knowledge or contact with Inmate Tutt.

Deputy David Aviles #[redacted]

Deputy David Aviles was interviewed on November 24, 2009 at the Internal Affairs Bureau office by Sergeants Albert Maldonado and Scott Hill. The interview was digitally recorded and transcribed. The following is a summary of the interview.

Deputy Aviles said he was assigned as prowler on the 3000 floor of Men's Central Jail when the incident occurred. He said he saw Deputy Delgado, from a distance of approximately 30 feet, conducting a "pat-down" search of an inmate (Evans Tutt). He could not hear their conversation but said as Deputy Delgado conducted his pat-down search, he saw Inmate Tutt forcefully push himself backward towards Deputy Delgado and began swinging his elbow and striking him (Delgado) on the upper torso. He saw Delgado stumble backward. He said Deputy Delgado immediately deployed his Taser and he (Aviles) ran over to assist.

Deputy Aviles said both of the Taser darts struck Inmate Tutt on the upper back, causing him to fall first onto his knees and then onto his chest, face down on the floor. As he arrived to assist he waited for the Taser cycle to end before attempting to handcuff him. As the Taser cycle ended, Inmate Tutt suddenly rolled onto his back and began to kick his feet upward toward him as he was kneeled beside him. He said Inmate was Tutt was successful in kicking him on the left side of his face as he attempted to stand up. He said Deputy Delgado re-deployed the Taser as he (Aviles) gave him several verbal commands to stop resisting. Inmate Tutt refused to comply and continued kicking his feet. Deputy Aviles, who was inadvertently shocked by coming into contact with the Taser wires, said he struck Inmate Tutt 4-5 times with his right knee on his face. He said Inmate Tutt rolled back onto his stomach when he

heard Deputy Delgado yell that Inmate Tutt had a hold of his Taser. Deputy Aviles said he reacted by striking Inmate Tutt 5-6 times on the back side of his lower legs with his flashlight. He said other deputies arrived to assist. He is not sure who at the time, but one of the deputies [redacted], deployed pepper spray which was effective in getting Inmate Tutt to submit to handcuffing without further incident. He said he was overcome by the peppersray and had to step away. He was not sure who actually handcuffed Inmate Tutt.

Deputy Aviles said this was the first time he had ever seen or had contact with Inmate Tutt. He is also not aware of any other Deputy having knowledge of or prior contact with him. He added as prowlers their main duty is to provide floor security. As a matter of practice they individually search approximately 10-20 inmates on their floor per shift.

Deputy Aviles said he had pain and swelling on the left side of his face after being kicked by Inmate Tutt.

Deputy David Ortega #[redacted]

Deputy David Ortega was interviewed on November 24, 2009 at the Internal Affairs Bureau office by Sergeants Albert Maldonado and Scott Hill. The interview was digitally recorded and transcribed. The following is a summary of the interview.

Deputy Ortega said he was assigned as a module officer in the 3500-3700 module of the Men's Central Jail when this incident occurred. He said he heard radio traffic advising there was a deputy involved in a fight on the 3000 floor hallway. He said he immediately ran to assist.

Deputy Ortega said as he opened the door leading into the 3000 floor hallway he immediately heard Deputy Delgado yell that the inmate had his Taser. He could clearly see Deputy Delgado was involved in a struggle and he (Ortega) ran over to assist. He said he immediately struck him 3-5 times on his right ribs and face with his right fist. Deputy [redacted] arrived and immediately sprayed Inmate Tutt with pepperspray. The pepperspray was effective as Inmate Tutt stopped resisting and allowed him to handcuff him without further incident.

Deputy Ortega said he did not know Inmate Tutt nor did he have any prior contact with him. He was not aware if any other deputy had prior knowledge of contact with him.

[redacted]

Deputy [redacted] was interviewed on November 25, 2009 at the Internal Affairs Bureau office by Sergeants Albert Maldonado and Scott Hill. The interview was digitally recorded and transcribed. The following is a summary of the interview.

Deputy [redacted] said he was in a restroom located on the 3000 floor of the Men's

Central jail when he heard radio traffic advising that a deputy on the 3000 floor was involved in a fight. He immediately exited the bathroom and stepped onto the 3000 floor to assist. As he entered the 3000 floor he immediately saw Deputies Delgado and Aviles struggling to gain control of an inmate (Tutt). Inmate Tutt was on one knee and attempting to stand up. He said he ran over to them and immediately gave him (Tutt) verbal commands to stop resisting. He (Tutt) did not comply and attempted to grab Delgado's leg. Deputy [redacted] said he immediately sprayed one burst of his Freeze Plus P pepperspray directly into Tutt's face. The pepperspray was effective as Inmate Tutt stopped resisting and placed his hands behind his back. Deputy Ortega was able to handcuff him without further incident.

Deputy [redacted] said he had never had contact with or seen Inmate Tutt in the past. He was not aware of any other deputy's knowledge or prior contact with him.

SUSPECT'S STATEMENTS:

Inmate Evans Tutt was interviewed by Sergeant Maldonado on August 6, 2009 at the Los Angeles County Medical Center Jail Ward. The interview was digitally recorded and the transcripts to the interview have been included with this case. The following is a summary of the interview.

Inmate Tutt said he was called out of his module for a visit. As he was walking to the visiting area a Hispanic deputy asked him where he was going. He said he told the deputy he was going to a visit and showed him his visiting pass. He continued to his visit and when he returned to the 3000 floor he was contacted by the same deputy who told him to face the wall. He complied and interlocked his fingers behind his back. As his fingers were interlocked behind his back he was suddenly struck by the Taser darts and immediately fell to the ground. He was then kicked and hit with fists and flashlights throughout his head, face and entire body. He doesn't know how many deputies hit and kicked him but estimates it to be 9-12. He said he curled up in a ball to protect himself and could not tell me who the deputies were or what actions they took.

Inmate Tutt said he believes he was targeted by the deputies because his girlfriend had been calling the Sheriff's Department and complaining on his behalf that they (inmates) were not receiving showers. He explained the prior day he received a visit from his girlfriend. He received his visiting pass from his module officer and walked out into the hallway towards the visiting area. As he walked into the hallway he was stopped by a deputy and asked where he was going. He said he responded by saying "to a visit." The deputy told him to stop and he again repeated "To a visit." The deputy again told him to stop and he complied by stopping, turning toward the deputy and repeating "To a visit." He said the deputy asked to see his pass. He handed him his pass and the deputy told him to go back inside his module. He retuned back to his module and was told to wait in the laundry room. He waited some time and then a deputy he believes was named "Miramontes" told him to return to his cell. He said he

explained to the deputy he had a visit and his girlfriend was waiting in line for him. The deputy told him it was their (Deputies) discretion whether or not he receives his visit. He said he reluctantly went back to his cell.

I.A.B. Note: The Title 15 log sheets indicate Inmate Tutt's Module was given showers twice on the day this incident occurred. They also had showers for several days before this incident. Copies of th Title 15 Log Sheets have been included with this case (Exhibit C).

Inmate Tutt said the very next day his girlfriend returned to visit him. When she arrived she was told by jail staff that he (Tutt) was disrespectful to the deputies and that he could not receive a visit. She was also advised the jail was on a 24 hour lock down. The next day his girlfriend, again, returned to visit him. He said he received his pass and as he was walking toward the visiting area a deputy asked him where he was going. He told him to a visit and the deputy allowed him to continue to the visiting area. He said he received his visit from his girlfriend. As he was returning from his visit he was stopped by the same deputy who contacted him while he was on his way to the visit. He said this is when the incident occurred.

I.A.B. Note: The case was investigated by the Jail Investigation Unit. It was presented to the District Attorneys office who filed one count of 69 P.C. Inmate Tutt was released from jail prior to the case being filed and currently has a $25,000 warrant for his arrest. He is still outstanding and could not be located for a follow-up interview.

DEPARTMENT WITNESS STATEMENTS:

None

NON-DEPARTMENT WITNESS STATEMENTS:

None

SUSPECT'S INJURIES:

Inmate Tutt was admitted to L.C.M.C. for Rhabdomylosis. He was also treated for bruising to the left and right side of his face, bruising to his nose and forehead, superficial scratches and contusions to his upper body, a chipped tooth and two puncture wounds from the taser darts to his left tricep and back.

DEPUTY PERSONNEL INJURIES:

Deputy Aviles reported pain and swelling to his right knee and right index finger. Deputy Ortega reported pain and swelling to his left hand. Both deputies were treated

for their injuries.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene.

INVESTIGATORS OBSERVATIONS:

No observations.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, hands, feet.

WEAPONS USED BY SUSPECTS:

Personal weapons, hands, feet.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:	Jail Investigations Unit
Court:	C.C.B.
Charges Filed:	One count of 69 P.C. Felony Warrant obtained after inmate's release.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred in a lighted jail hallway.